

**REPORT - PLANNING COMMISSION MEETING**  
**April 10, 2003**

**Project Name and Number:** CAROL COMMONS (PLN2003-00018)

**Applicant:** Philip Ta

**Proposal:** To consider a General Plan Amendment (GPA) to change the land use designation from Medium Density Residential, 15-18 dwelling units per acre, to Medium Density Residential, 18-23 units per acre for a total of 20 townhomes on 0.99-acre site.

**Recommended Action:** Recommend Mitigated Negative Declaration and General Plan Amendment to City Council.

**Location:** 41482 Fremont Boulevard in the Irvington Planning Area

**APN:** 525 060501402

**Area:** 0.99 acres

**Owner:** Henry Ly

**Agent of Applicant:** Roger Shanks

**Environmental Review:** An Initial Study and Mitigated Negative Declaration has been prepared and circulated for this project.

**Existing General Plan:** Medium Density Residential (15-18) dwelling units per acre

**Existing Zoning:** R-G-29 (Garden Apartment Residence District)

**Existing Land Use:** Undeveloped property

**Public Hearing Notice:** Public hearing notification is applicable. 165 notices were mailed to owners and occupants of property within a minimum radius of 300 feet from the site on the following streets: Patton Terrace, Millennium Terrace, Hooper Street, Roberts Avenue, Bonito Drive, Carol Avenue, Scammon Court, Paul Terrace, Adams Avenue, Penny Terrace, Allyson Terrace. The notices to owners and occupants were mailed on March 17, 2003. A Public Hearing Notice was delivered to The Argus newspaper on March 12, 2003 and March 28, 2003 to be published by March 17, 2003 and April 2, 2003.

**Project Description:** The project consists of a General Plan Amendment to change the land use designation of a 0.99-acre site from Medium Density Residential (15-18) dwelling units per acre to Medium Density Residential (18-23) dwelling units per acre. The entitlement process will include subsequent evaluation by the Planning Commission and City Council for required applications for a Planned District Rezoning, preliminary grading plan, and a subdivision.

Aerial photographs indicate the first use of the site as a small farmsite with residences and an agricultural orchard dating from 1939. The site also contained a small gasoline service station (extant circa the 1950's and 1960's). Two houses were demolished in 1998, leaving the site vacant to present day.

To accommodate the proposed project, the site will be rezoned to a Planned District. Conceptual plans are included for illustration purposes only and are not proposed for approval at this time. A brief description of the proposed development and some of the prominent structural features is provided in the following sections, although the precise plan will be subject to later site plan and architectural review. In addition, all mitigation measures contained in the Draft Mitigated Negative Declaration (contained in Commission packet) will be implemented, as appropriate.

The applicant submitted a conceptual site plan to develop 20 townhouses, podium parking, guest parking and circulation, and landscaping on the 0.99-acre site (enclosed in Commission's packets) for illustrative purposes only. The conceptual site plan is to be considered in principle only. The purpose of the plan is only to demonstrate that the minimum density can be achieved on the project site at some future date. If approved, the site would allow for sixteen (16) three bedroom units, and four (4) four bedroom units. The applicant is proposing to create a development with a sense of community on a long linear site. To enhance the interaction, the buildings would face each other and the end and center units will be connected. This design feature allows residents to interface with neighbors and the public. According to the applicant, the project will continue the development pattern surrounding the area, by providing additional multi-family housing units. The proposed development is being designed to create a sense of community to both the residents of the project and the surrounding community.

**General Plan Justification:** The applicant has provided a General Plan Amendment Justification Statement (enclosure) which describes the proposed Medium-Density Residential land use designation as consistent with the Medium-Density Residential land use designations to the north, south (a portion), west and east and existing neighborhood character. The applicant states that the intention is to develop 20 townhomes with the required on-site parking and circulation under a Planned District Zoning.

**Analysis:** As a multiple family residential use, the project will be consistent with the multi-family residential character of much of the surrounding neighborhood. The surrounding land uses are existing multi-family residential, with General Plan residential density designations as follows: 15-18 units/acre to the north and east, 11-15 units/acre and 5-7 units/acre to the south; and 18-23 units/acre to the west. The single family dwelling unit directly adjacent to the proposed site is zoned R-G-29 and the density designation is Medium Density Residential (15-18 dwelling units per acre). The proposed project will include a rezoning request from Residential Garden Apartment District (R-G-29) to Planned District, which will provide site planning flexibility and on-site amenities. Given the presence of surrounding multi-family residential land uses, the proposed project would result in a more compatible land use. If approved, the proposed General Plan Amendment (and zone change) would be considered a logical land use designation, consistent with existing General Plan goals, policies and objectives related to multiple-family development. The goals are as follows:

**Goal H1:** Conservation and enhancement of existing residential neighborhoods.

**Goal H2:** High quality and well-designed new housing of all types throughout the city.

**Analysis:** The proposed General Plan Amendment is compatible with these two housing goals. The proposed General Plan Amendment from Medium-Density Residential (15-18 units per acre) to Medium Density (18-23 units per acre) could result in the future development of twenty townhomes on the vacant site. The proposed land use has the potential to enhance the existing residential community by providing a well-designed residential buildings, parking and landscaping. According to the applicant, the proposed General Plan Amendment will result in a multi-family townhouse project as a podium style development with parking and circulation located below the structure, thereby creating greater open space for the project than would be created with a lower density development.

**Land Use Goal 1.9:** The proposed General Plan Amendment is compatible with this land use goal which states, "to achieve a variety of housing types, the City has designated locations where moderate and higher density development is appropriate."

**Analysis:** Criteria for the location of higher density housing include access to transit, proximity to commercial areas, proximity to a collector or arterial street, and as a transition use where maximum flexibility in site design is required. For those areas where higher densities are indicated on the General Plan Diagram, construction of housing at significantly lower densities

than planned would not meet the City's goals. The applicant is proposing medium-density (18 - 23 units per acre) that applies to the proposed project as follows:

Step 1:	0.99 acres	x	18 units/acre	=	17.8 dwelling units
Step 2:	0.99 acres	x	20.5 units/acre	=	20.3 dwelling units
Step 3:	0.99 acres	x	23 units/acre	=	22.7 dwelling units

When the residential range is between 11 units per acre and 25 units per acre, development must be within 80% of the Step 1 density. The applicant's conceptual site plan demonstrates that 80% (percent) of the Step 1 density can be achieved with 14 townhomes.

**Land Use Policy LU 1.11:** The proposed General Plan Amendment is compatible with this land use policy which states, "Appropriate transitions shall be encouraged between higher density residential areas and lower density residential areas. Transition can be composed of streets, setbacks, open space, landscape and site treatments, building design and/or other techniques."

**Analysis:** The proposed project design and the density of the site will result in a more consistent density for the entire area and thus mitigate the General Plan concern that there be provision made for transition between areas of differing residential densities. The surrounding land uses are existing multi-family residential, with General Plan residential density designations as follows: 15-18 units/acre to the north and east, 11-15 units / acre and 5-7 units/acre to the south; and 18-23 units/acre to the west. The single family dwelling unit directly adjacent to the proposed site is zoned R-G-29 and the density designation is Medium Density Residential (15-18 dwelling units per acre). The building is proposed to be located approximately 60 feet from the easterly property line, thereby reducing the potential impact on the adjacent single-family unit.

**Land Use Policy LU 1.22 and 1.24:** The proposed General Plan Amendment is compatible with these land use policies which state, "Buildings shall be designed to provide for maximum feasible visual and auditory privacy for each unit though the use of site design, open space, landscaping and appropriate building materials (LU 1.22) and "multi-family housing shall be designed to accommodate the needs of families and children". Multi-family housing units shall be developed with consideration given to the relationship to adjacent development.

**Analysis:** Staff concurs with the applicant's assertion that the proposed General Plan Amendment and Zone Change has the potential to meet or implement the General Plan policies for multi-family residential development and anticipates that these policies will apply to any proposed precise plan. As stated by the applicant, the project is being designed to have front facades oriented to Carol Avenue and Fremont Boulevard and the adjacent property to the north. The building is proposed to be located approximately 60 feet from the easterly property line, thereby reducing the potential impact on the adjacent single-family unit. The project is being designed to accommodate 16 three-bedroom and 4 two-bedroom units. In addition, the podium level is designed to provide a secure area for children to play. Each dwelling unit will also be provided with a private patio area for the use of the residents.

**Affordable Housing Component:** The applicant applied for this General Plan Amendment prior to the adoption of the City of Fremont's Inclusionary Housing Ordinance, requiring an affordability component equal to 15 percent of the total units. The applicant is meeting the 15% requirement by offering 3 of the 20 units as affordable. This project was not grand fathered and not exempted from the Inclusionary Housing Ordinance since the application was not deemed complete prior to the adoption of the Ordinance.

**Goal H 3:** Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the City.

**Policy H 3A:** Continue to designate sufficient residentially zoned land at appropriate densities to provide adequate sites to meet Fremont's new construction need for 2001-2006. Included with that need are the following objectives:

Units Affordable to Very Low Income	873 Units
Units Affordable to Low Income	602 Units
Units Affordable to Moderate Income	1,791 Units
Units Affordable to Above Moderate Income	1,647 Units
Total Need:	4,913 Units

**Implementation Programs:**

- *9B: Increasing Density on Existing Vacant Residentially Designated Parcels and Underutilized Residential, Commercial and Industrially Designated Parcels.* The Vacant/Underutilized Land Analysis discussed indicate that there is the potential with current zoning for 2,254 units at Step 1 density or 2,867 units at Step 2 density.

**Analysis:** The General Plan Amendment would allow for a new housing development, which could offer a variety of housing types at a variety of prices, including an affordability component. The housing development would maintain the multi-family residential neighborhood character on Carol Avenue and Fremont Boulevard. In order for the City of Fremont to meet the significant housing production goals identified in Policy H 3A above, this type of housing density may be helpful.

**Proposed Zoning Conformance:** The project proposes to ultimately change the zoning designation from Residence Garden Apartment District zoning (R-G-29) to Planned District (P). The applicant has submitted a conceptual site plan which demonstrates that development of 20 townhomes has the potential to meet the minimum development standards that will be required of the Fremont Municipal Code for Planned District zoning. Zoning which supports multi-family housing currently exists immediately to the north, east and west. Staff notes that the applicant has demonstrated that a 20-unit townhome project can be accommodated on the project site. As a Planned District, any future on-site development shall be subject to site plan and architectural review and approval and adhere to the following criteria:

1. Creation of a desirable and stable living environment;
2. Allow for site planning and zoning criteria flexibility in support of superior site design, architecture, and amenities;
3. Develop a project that is compatible with the high quality neighborhood character; and
4. Comply with all city requirements.

If the Council approves the General Plan Amendment, the applicant may proceed with their Planned District Precise Plan. At that time, staff will develop specific Findings that clearly document the intent to create a superior site plan, architectural design, and amenities which compliments and sustains the superior neighborhood character.

**Access and Circulation:** The project site will be accessed from Carol Avenue. Development of the project site at a future time will require street improvements along Carol Avenue across the site's frontage with a standard sidewalk and landscape area consisting of a 5-foot wide landscaping strip at the back of curb and a 4-foot wide sidewalk.

**Applicable Fees:**

**Development Impact Fees:** If the proposed amendment is recommended to the City Council and approved, any subsequent development project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park dedication-in-lieu, park facilities, capital facilities and traffic impact. These fees shall be calculated at

the fee rates in effect at the time of building permit issuance. The applicant will be entitled to a fee credit for the two single-family homes which were previously located on the site.

**School Impact Fees:** If the proposed amendment is recommended to the City Council and approved, any subsequent development project will be subject to school impact fees.

**Urban Runoff Clean Water Program:** If the project site is developed at a future date, the City's Urban Runoff Clean Water Program requirements will be required, upon plan submittal to the Development Organization.

**Waste Management:** This project involves multi-family residential development and shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. Any trash/recycling enclosure for the project shall be designed in a manner to be architecturally compatible with nearby structures and with the existing topography and vegetation in accordance with such standards.

**Environmental Analysis:** An Initial Study and Mitigated Negative Declaration have been prepared for this project. The environmental analysis identified concerns regarding potential impacts to Aesthetics, Air Quality, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise. The Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures will be included as a Mitigation Monitoring Plan. A more detailed description of the potential impacts and mitigation measures are provided within the Initial Study for the project, which is included as an enclosure.

A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the Planning Commission.

*Correction:* Rather than a 1.076 acreage size / 46,360 SF as indicated in the Initial Study, the actual parcel size is 0.99 acres. A small portion of land (3,028 SF) was recently acquired by the City of Fremont for Fremont Boulevard improvements and was mistakenly included in the total acreage count. Changes to the APN number were also made for this report.

**Response from Agencies and Organizations:** This project was submitted to the Alameda County Congestion Management Agency (ACCMA) for review to determine if implementation of the proposal would create an impact on the regional transportation network. The ACCMA responded by finding no significant impact from the proposed project.

**Enclosures:** Exhibit "A" (General Plan Exhibit)  
Initial Study and Draft Mitigated Negative Declaration  
Applicant's General Plan Amendment Justification Statement (Informational)  
Conceptual Site Plan (Informational)

**Exhibits:** Exhibit "A" General Plan Exhibit  
Conceptual Site Plan (Informational)

**Recommended Actions:**

1. Hold public hearing.

2. Recommend the City Council approve Draft Mitigated Negative Declaration and find it reflects the independent judgement of the City of Fremont.
3. Find PLN2003-00018 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Housing and Land Use Chapters as discussed within the staff report.
4. Recommend that the City Council approve PLN2003-00018 to amend the General Plan land use designation from Medium Density Residential (15-18 dwelling units per acre) to Medium Density Residential (18 – 23 dwelling units per acre) in conformance with Exhibit "A" (General Plan Amendment Exhibit).

# EXHIBIT "A"

Attached to and made a part of

**Resolution No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **2002** .

## GENERAL PLAN LAND USE DIAGRAM (SECTION) CITY OF FREMONT, CALIFORNIA



From: Medium-Density 15-18

To: Medium-Density 18-23

[pc on 4-10-03] [pc 03-27-03] 72-376

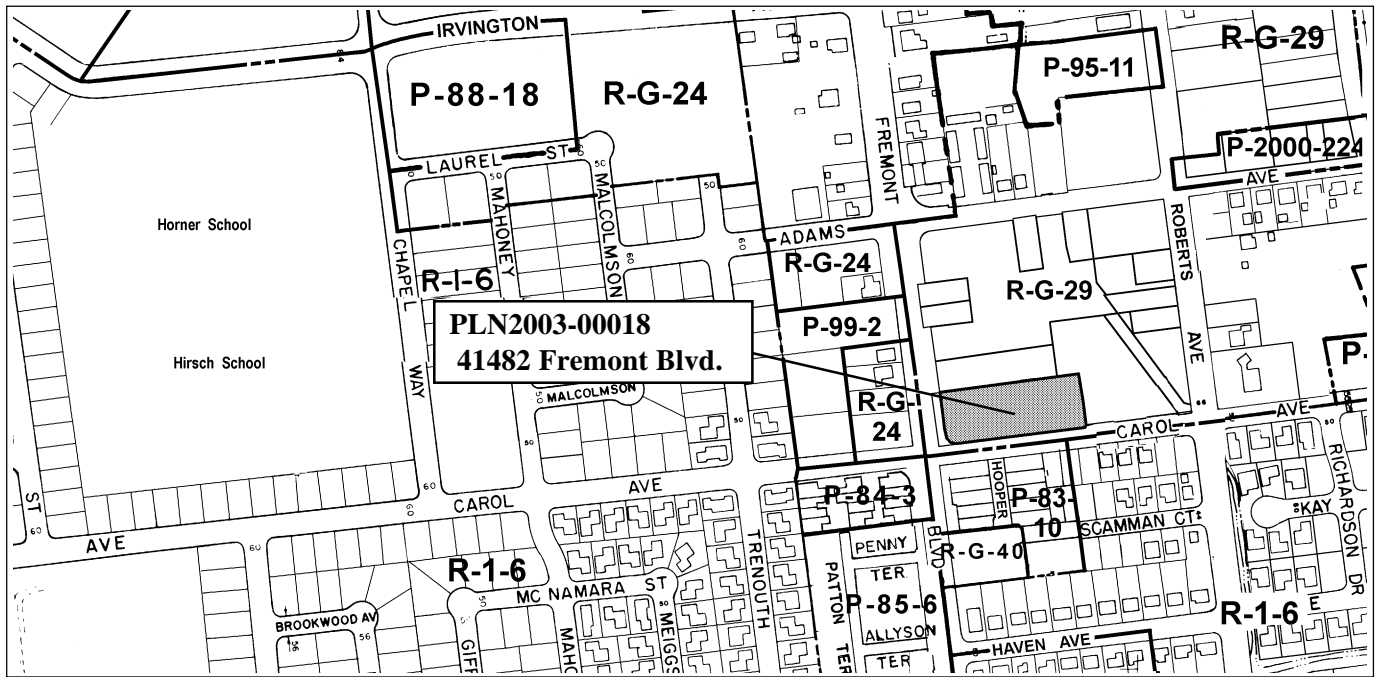


**AFFECTS THE LAND USE DIAGRAM  
FOR THE IRVINGTON PLANNING AREA**

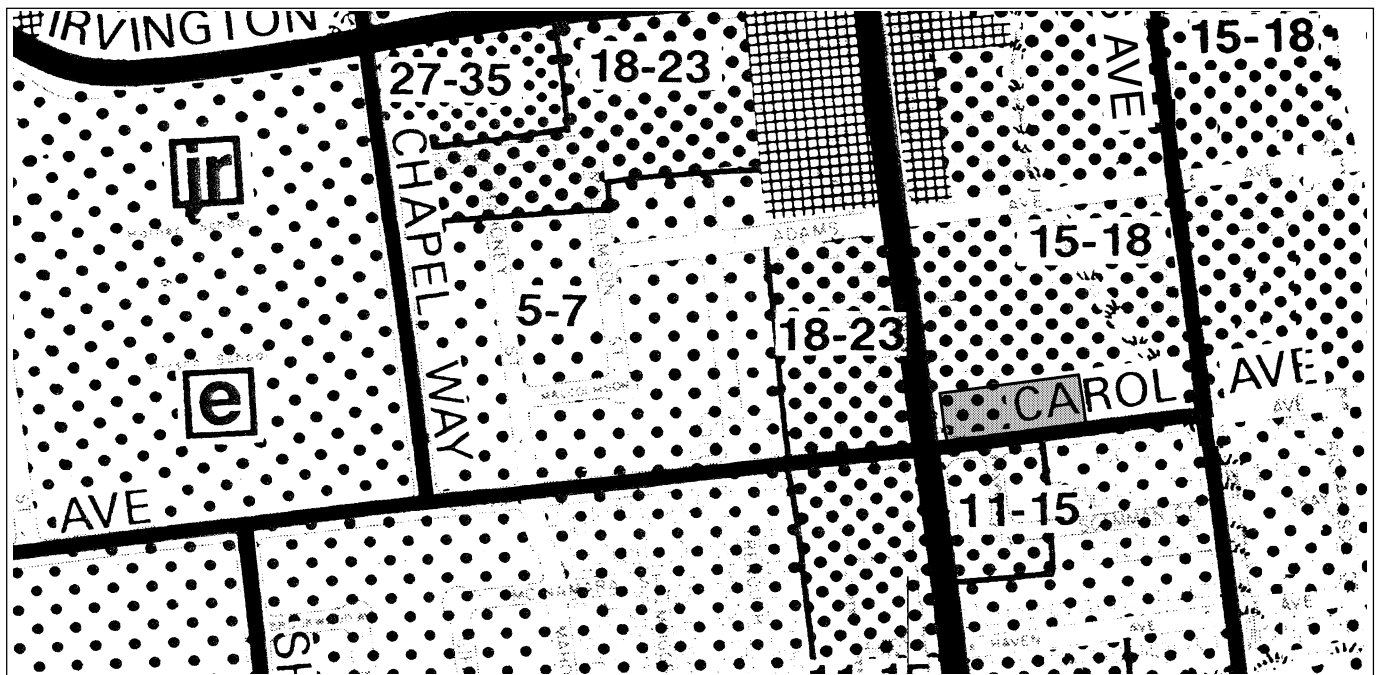
Associated files:

PLN2003-00018 (GPA)

# INFORMATIONAL



Existing Zoning



Existing General Plan

**Project Number:** PLN2003-00018 (GPA)

**Project Name:** Carol Commons

**Project Description:** To consider a General Plan Amendment to change the land use designation from medium-density residential, 15-18 dwelling units per acre, to medium-density residential, 18-23 units per acre and a Mitigated Negative Declaration under CEQA for a 0.99-acre site located at 41482 Fremont Blvd. in the Irvington Planning Area.



**Note:** Prior arrangements for access are not required for this site.

